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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

dave@davedagg.com

Office Action Summary

Application No.

10/762,698

Applicant(s)

MOODY ET AL.

Examiner

OMAR ABDUL-ALI

Art Unit

2173

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6, 8-10 and 33-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6, 8-10, and 33-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The following action is in response to the response filed 10/29/2009. Amended claims 2-6, 8-10, and 33-41 are pending and have been considered below.

1. Examiner Note: The prior art rejections have been withdrawn as necessitated by applicant's amendments.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3-5, 33, 35, 36, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cadiz et al. (US 7,185,290) in view of Danieli et al. (US 2005/0181878) and further in view of Canfield et al. (US 7,127,685).

As per claims 4, 33 and 41: Cadiz discloses a method of providing a local user of an instant messaging session with updated status information regarding at least one remote user, comprising:

a. obtaining an online status of a remote computer system user (column 12, lines 1-15);

b. presenting an indication of said online status of said remote computer system user, wherein said representation of said remote computer system user includes an online status icon associated with said remote computer system user, wherein said online status icon associated with said remote computer system user includes a graphical representation of whether said remote computer system user is currently available for an instant messaging communication session (column 12, lines 1-20);

c. obtaining an updated status message (busy, available) associated with said remote computer system user, wherein said updated status message includes personal detail information and activity information regarding said remote computer system user other than said online status of said remote computer system user (Figure 8B).

Specifically, Cadiz discloses indicating the number of unread emails a user has (personal detail information) and discloses the time since a user was available across a plurality of communication channels including in person (activity information other than online status).

Cadiz discloses said online status icon of said remote computer system user includes a graphical representation of whether said remote computer system user is currently available for an instant messaging communication (column 37, lines 46-60).

Cadiz discloses changing a picture representation of a remote user from facing the screen to profile when the status changes from available to busy. Cadiz does not explicitly disclose modifying said online status icon of said remote computer system user to include an additional visual indication that said updated status message is available for viewing by said local user of said local computer system, wherein said

additional visual indication is separate and visually independent from said graphical representation of whether said remote computer system user is currently available for an instant messaging communication session also included in said online status icon. However, Cadiz further discloses modifying the appearance of an icon to alert a user as to changing information: where a ticket 210 has new or current information, retrieved from one or more information sources 240 via one or more services 230, that new or current information can be represented in color, or in gray scale, by using high contrast or brightness levels, or by using any conventional type or style of shading or transparency (column 19, lines 63-67 to column 20, lines 1-20). Cadiz also discloses an alert module provides for visible or audible alerts or notification, or some combination of visible and audible alerts or notification for alerting the user to particular information or contacts, or otherwise indicating a change in the content, status, or age, i.e., how recent or current, for particular information or contacts. Danieli discloses a similar system that further discloses modifying a status icon to include an indication that an updated status message is available. Specifically, Danieli discloses various states that a contact is perceived to be in, including offline (comprising a lightened base icon), messenger online (darkened base icon), game/chat online (darkened base icon with headset), and in-chat (darkened base icon with headset and chat balloon; page 4, paragraphs 46-50). A base icon modified to include a headset or a headset with a chat balloon provides a teaching of modifying a status icon to include an indication that an updated status message is available. Though neither reference explicitly discloses said modifying comprises superimposing said additional visual indication over at least a portion of said

online status icon without presenting any contents of said updated status message to said local user of said local computer system, it would have been obvious to a skilled artisan to superimpose an indicator on an iconic representation of a remote user.

Canfield discloses a similar system that further discloses providing an indication of a new message from another contact and overlaying the indication over the graphical representation of the user (column 10, lines 35-51). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to notify the user that a new updated status message is available through the use of an additional visual indication that said updated status message is available for viewing in Cadiz. One would have been motivated to include an additional visual indication that said updated status message is available for viewing in order to alert the user of new information.

As per claims 3 and 35: Cadiz discloses a method as in claim 4 above, further comprising subsequently presenting said updated status message to said local user of said local computer system in response to said local user selecting said representation of said remote computer system user, but Cadiz does not explicitly disclose removing said additional visual indication that said updated status message associated with said remote computer system user is available for viewing responsive to said presenting of said updated status message. Canfield discloses providing an indication of a new message from another contact, and removing the indication that the message is available after the user has viewed the new message (Column 10, lines 35-51). It

would have been obvious to one having ordinary skill in the art at the time the invention was made to remove a visual indication that an updated status message is available responsive to presenting the message in Cadiz, because removing an indication that a new message is available was recognized as part of the ordinary capabilities of one skilled in the art. One would have been motivated to remove the indication of a new status message after presenting the new status message in order to allow the local user to determine when subsequent new status messages for the remote user are available. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to present an updated status message to a local user in response to the local user selecting a representation of a remote computer system user in Cadiz. One would have been motivated to present an updated status message in response to a local user selecting a representation of said remote user in order to provide an indication of online status when desired.

As per claims 5 and 36: Cadiz, Danieli, and Canfield disclose a method of providing a local user of an instant messaging session with updated status information regarding at least one remote user as in Claim 4 above, and Cadiz further discloses said representation of said remote computer system user is maintained by said awareness client application process on said local computer system (column 12, lines 1-15).

4. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cadiz et al. (US 7,185,290) in view of Danieli et al. (US 2005/0181878), further in view of Canfield et al. (US 7,127,685) and further in view of Kontny et al. (US 2004/0183829).

As per claim 2: Cadiz and Canfield disclose a method of providing a local user of an instant messaging session with updated status information regarding at least one remote user as in Claim 4 above, but the references do not explicitly disclose presenting an updated status message to the local user of said local system in response to hovering the cursor over the representation of the remote user. Kontny discloses a similar system for a dynamic collaboration assistant that further discloses hovering over a respective contact in the instant message buddy list using a mouse generates a GUI that contains contact information. This information may incorporate current availability (page 5, paragraph 47). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a hovering function to display status information of a remote user. One would have been motivated to present a status message of a remote user by using a hovering function for quick access of profile information. Cadiz does not explicitly disclose removing said additional indication that said updated status message associated with said remote computer system user is available responsive to said presenting of said updated status message. Canfield discloses providing an indication of a new message from another contact, and removing the indication that the message is available after the user has viewed the new message (Column 10, lines 35-51). It would have been obvious to one having ordinary skill in the

art at the time the invention was made to remove a visual indication that an updated status message is available responsive to presenting the message in Cadiz, because removing an indication that a new message is available was recognized as part of the ordinary capabilities of one skilled in the art. One would have been motivated to remove the indication of a new status message after presenting the new status message in order to allow the local user to determine when subsequent new status messages for the remote user are available.

As per claim 6: Cadiz, Danieli, and Canfield disclose a method of providing a local user of an instant messaging session with updated status information regarding at least one remote user as in Claim 4 above but neither reference explicitly discloses said representation of said remote user is an awareness object within a display associated with an application process on said local computer system other than said awareness client process. Kontny discloses a similar system for a dynamic collaboration assistant that further discloses the representation of said remote computer system user is displayed in a messenger service application and a web server application (page 3, paragraphs 27 and 34). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that a user may be represented in another application process other than the original awareness client process in Cadiz. One would have been motivated to display the representation of a user in another awareness application process in order to keep track of other users who may not be

using the original awareness application, but are logged into an email application that allows instant messaging.

5. Claims 8 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cadiz et al. (US 7,185,290) in view of Danieli et al. (US 2005/0181878), further in view of Canfield et al. (US 7,127,685) and further in view of Harville et al. (US 7,149,961).

As per claims 8 and 38: Cadiz, Danieli and Canfield disclose a method of providing a local user of an instant messaging session with updated status information regarding at least one remote user as in Claim 4 above, and Cadiz further discloses providing an indication that a new status message is available. Neither reference explicitly discloses presenting said indication that said updated status message associated with said remote user is available for a predetermined time after obtaining said updated status message by starting a timer in response to said modifying said online status icon associated with said remote computer system user to include said additional visual indication that said updated status message associated with said remote computer system user is available for viewing and removing said additional visual indication that said updated status message associated with said remote computer system user is available for viewing in response to expiration of said timer. However, Cadiz does disclose fading a thumbnail to represent the time since information has been retrieved. Harville discloses a similar system that further discloses removing an icon after a time period has elapsed (column 16, lines 1-15). Therefore, it would have been obvious to

one having ordinary skill in the art at the time the invention was made to present the indication of a new status message for a predetermined after obtaining said updated status message associated with said remote computer system user in Cadiz. One would have been motivated to limit the time an indication of a new status message is available because after a number of hours, the status message may change and a new indication would need to be provided.

6. Claims 9, 10, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cadiz et al. (US 7,185,290) in view of Danieli et al. (US 2005/0181878), Canfield et al. (US 7,127,685) and further in view of Godefroid et al. (US 6,697,840).

As per claims 9, 10, 39, and 40: Cadiz, Danieli, and Canfield disclose a method of providing a local user of an instant messaging session with updated status information regarding at least one remote user as in Claim 4 above, but the references do not explicitly disclose presenting an interface to the local user to indicate whether an indication of that an updated status message associated with said user is available is provided to others. Godefroid discloses a similar method and apparatus implementing presence awareness in collaborative systems, that further discloses that queries regarding the private data of a user, for example, whether the user is available, can be allowed or disallowed (column 6, lines 12-18). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to specify whether

the updated status message in Cadiz is allowed to be accessed by remote users. One would have been motivated to specify if a new status message is available for privacy purposes.

As per claim 10: Cadiz, Danieli, and Canfield disclose a method of providing a local user of an instant messaging session with updated status information regarding at least one remote user as in Claim 4, but neither reference explicitly discloses presenting an interface to said user wherein said interface enables said user of said local computer system to specify one or more other users with which an indication that an updated status message associated with said user of said local computer system may be presented. Codefroind discloses a similar method and apparatus implementing presence awareness in collaborative systems, that further discloses presenting an interface to a local user that enables said user to specify one or more users with which access to private data [updated status message] is to be allowed or disallowed (column 6, lines 12-18). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to specify which users may be presented with an indication of a new status message. One would have been motivated to specify which users can view an indication of a new status message for privacy purposes.

Response to Arguments

7. Applicant's arguments filed 12/29/2009 have been fully considered but they are not persuasive. Applicant argues, "In column 19 and 20, Cadiz discloses that when a

ticket has new information, that information can be represented using special colors, types, or brightness levels. This stands in contrast to the features of the present independent claim 1 highlighted above, which modify an icon to provide an additional visual indication that an updated status message is available without presenting the contents of the status message.” The Examiner respectfully disagrees. Cadiz discloses providing representing new information using special colors, types, or brightness levels, and further discloses an alert module provides for visible or audible alerts or notification, or some combination of visible and audible alerts or notification for alerting the user to particular information or contacts, or otherwise indicating a change in the content, status, or age, i.e., how recent or current, for particular information or contacts. As presented above, Danieli discloses a similar system that further discloses modifying a status icon to include an indication that an updated status message is available. Specifically, Danieli discloses various states that a contact is perceived to be in, including offline (comprising a lightened base icon), messenger online (darkened base icon), game/chat online (darkened base icon with headset), and in-chat (darkened base icon with headset and chat balloon; page 4, paragraphs 46-50). The base icon is modified to include a headset with chat balloon in Danieli, represents modifying an icon to include an additional visual indication that an updated status message is available without presenting the contents of the status message. Applicant further argues, “Accordingly, by superimposing an additional visual indication that an updated status message is available without presenting the contents of the status message. As presented above, Canfield discloses a similar system that further discloses providing an

indication of a new message from another contact and overlaying the indication over the graphical representation of the user (column 10, lines 35-51). Superimposing a visual indication that a message is available would have been obvious to a skilled artisan provided the teachings of Canfield and Cadiz.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR ABDUL-ALI whose telephone number is (571)270-1694. The examiner can normally be reached on Mon-Fri(Alternate Fridays Off) 9:30 - 7:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kieu Vu can be reached on 571-272-4057. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAA
12/31/2009

/Tadesse Hailu/
Primary Examiner, Art Unit 2173